

6 August 1999

Further information on UA 34/99 (EUR 62/02/99, 25 February 1999) and follow-up (EUR 62/03/99, 9 March 1999) - fear for safety/alleged ill-treatment in detention/incommunicado detention

UZBEKISTAN Mamadali Makhmudov, writer

Amnesty International is concerned that Mamadali Makhmudov faces an unfair trial, on charges of "threatening the president" and "threatening the constitutional order". In recent trials on related charges sentences have ranged from 10 years' imprisonment to death. Amnesty International believes that Mamadali Makhmudov may have been charged solely because of his association with Muhammad Salih, the exiled leader of the banned democratic opposition party *Erk*.

The arrests of Mamadali Makhmudov and five others on trial with him are believed to be part of a clampdown on perceived opponents of the President of Uzbekistan, and their families and associates, following a series of bomb explosions in the capital, Tashkent, on 16 February.

Their trial began on 3 August in Yangiyul district court, outside Tashkent. The start of the trial was reportedly delayed for over an hour while local human rights activists, representatives of foreign embassies and journalists argued for the right to be allowed access to the courtroom. Forty minutes into the hearing, the lawyer representing Mamadali Makhmudov and three others protested that his clients had not had the opportunity to acquaint themselves with the materials in their case, and the judge adjourned the trial for three days. Mamadali Makhmudov faces serious charges under the Criminal Code of Uzbekistan, articles 158 (threatening the president) and 159.3 (threatening the constitutional order).

Mamadali Makhmudov was reportedly detained on 19 February by officers of the Committee for National Security (KNB), who stopped the car in which he and his wife were travelling and took them away in a police vehicle. After a few kilometres, the police let his wife out of the car and drove off. She did not locate her husband for almost three months. (In a letter of 17 May to Amnesty International the Uzbek Commissioner for Human Rights appeared to deny that Mamadali Makhmudov had been detained by agents of the Ministry of Interior.) Mamadali Makhmudov's family engaged a lawyer on his behalf at the end of May, who has apparently been able to meet with him only twice.

On 30 June and 1 July Uzbek TV showed a "documentary" about the trial, which had just finished, of 22 men charged in connection with the February explosions. Six were sentenced to death and 16 to between 10 and 20 years' imprisonment. There were reports that the defendants had been beaten or otherwise ill-treated in pre-trial detention and forced to give false evidence. Human rights monitors expressed concern that fair trial standards had not been respected, in particular that the defendants were denied the right to presumption of innocence and that the prosecution failed to present any solid evidence of their guilt.

According to a transcript produced by the BBC, the Uzbek TV programme purported to show "those who hatched the plot, the aim the perpetrators had pursued, and admissions by witnesses and participants." Mamadali Makhmudov and his co-defendant Muhammad Bekzhon were both shown in a way which implied their involvement in conspiratorial meetings with Muhammad Salih.

On 14 July a further group of suspects in the February bombings went on trial at the Supreme Court in Tashkent. This time the trial was to be held behind closed doors. It is believed that Mamadali Makhmudov and his five co-defendants were initially included in this trial, but, possibly because of the reaction of international bodies and organizations to the conduct and outcome of the trial featured in the "documentary", their case was removed to the Yangiyul district court.

Mamadali Makhmudov is a well-known writer. Between 1994 and 1996 he served half of a four-year sentence for embezzlement and abuse of office, charges which Amnesty International believed at the time to have been brought only because of his association with Muhammad Salih. This belief was supported by the UN Working Group on Arbitrary Detention's conclusion in 1996 that there appeared to be no justification for Mamadali Makhmudov's detention. Muhammad Salih has been depicted as the leader of an international conspiracy uniting the former democratic opposition with extremist Islamic groups, with the aim of overthrowing the government. On trial with Mamadali Makhmudov are Muhammad Salih's brothers Rashid and Muhammad Bekzhon, the latter a technical editor on the *Erk* party newspaper; Yusif Ruzimuradov, a prominent member of the party; Kobil Diyarov, a former member of the banned opposition movement *Birlik*; and Kobil Diyarov's nephew, Negmat Sharipov. All were held incommunicado following their arrest. Muhammad Bekzhon, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov were all forcibly returned to Uzbekistan from Ukraine on 18 March 1999.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/ airmail letters in Russian or your own language:

- expressing concern at violations of fair trial rights in the case of Mamadali Makhmudov and his five co-defendants, in particular at the fact that he has been held incommunicado, apparently denied adequate time and facilities to prepare a defence and has been publicly depicted as guilty before this can be proven in law;
- calling for the trial to be halted and for the investigation into their case to be conducted in a manner consistent with international standards for a fair trial.

APPEALS TO: President of Uzbekistan, Islam Abduganievich KARIMOV
700000 g. Tashkent, pr. Uzbekistansky, Rezidentsiya Prezidenta, Prezidentu Karimovu I. A., UZBEKISTAN

Telegrams: Prezidentu Karimovu, 700000 Tashkent, Uzbekistan

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Salutation: Dear President Karimov

The Oliy Majlis (Parliamentary) Commissioner for Human Rights, Ms Sayora Rashidova
700008 g. Tashkent, pl. Mustakillik, 2, Oliy Majlis Respubliki Uzbekistan
Upolnomochenoy po pravam cheloveka pri Oliy Majlis Rashidovoy S., UZBEKISTAN

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E-mail: mtillaboev@oliymajlis.gov.uz

Salutation: Dear Ms Rashidova

Minister of Internal Affairs of the Republic of Uzbekistan, Zakirzhan Almatovich ALMATOV

700029 g. Tashkent, ul. Novruz,1, Ministerstvo vnutrennikh del, Ministru
vnutrennikh del Almatovu Z.A., UZBEKISTAN

Faxes: + 998 71 133 89 34

Salutation: Dear Minister

COPIES TO:

General Procurator of the Republic of Uzbekistan, Buritosh MUSTAFOYEV
700000 g. Tashkent, ul. Gogolya, 66, Prokuratura Respubliki Uzbekistan,
Generalnomu prokuroru MUSTAFOYEVU B., MUSTAFOYEV, UZBEKISTAN

Salutation: Dear Procurator General

and to diplomatic representatives of Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 17 September 1999.